IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

Bail Appl..No. 3170 of 2007()

CRIME NO. 40 OF 2007 OF EDATHUA POLICE STATION

PETITIONER/1ST ACCUSED

VINIJAN, S/O RAJAPPAN,
KANIYAMPARAMBIL HOUSE,
WARD NO.9, THALAVADY PANCHAYATH,
THALAVADY VILLAGE.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 3170 of 2007

DATED: 31-05-2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner who is the first accused in Crime No.40 of 2007 of Edathua Police Station for an offence punishable under Sec.55(a) of the Abkari Act for allegedly having been found in possession of 9.250 litres of spirit, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. Accordingly, If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed bearing in mind the decision in **Sukumari v. State of Kerala - 2001 (1) KLT 22.**

With the above observation this Application is disposed of .

V.RAMKUMAR, JUDGE.

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